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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,677	07/28/2004	David M. Audette	BUR920040088US1	4676
30449	7590	10/17/2005	EXAMINER	
SCHMEISER, OLSEN + WATTS			NGUYEN, JIMMY	
3 LEAR JET LANE			ART UNIT	
SUITE 201			PAPER NUMBER	
LATHAM, NY 12110			2829	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/710,677

Applicant(s)

AUDETTE ET AL.

Examiner

Jimmy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0704</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kusanko Takashi et al (WO98/58266).

**As to claims 21, 26**, Kusanko Takashi et al disclose an apparatus and method comprising:

a probe array (5c) mounted on an inner portion (31) of a bearing (39), said inner portion (31) of said bearing slidably mounted to an outer portion (12) of said bearing (39), said inner bearing (31) able to move in a direction perpendicular to a top surface of said probe array (5c), and means for dynamically adjusting a pressure of said probe (5c) array on I/O (23a) interconnects of a device under test (23).

**As to claims 22, 27**, Kusanko Takashi et al disclose the apparatus and method of claims 21, 26, wherein said means for dynamically adjusting is selected from the group consisting of a hollow O-ring positioned between said inner portion (31) of said bearing and said outer portion (12) of said bearing, a pressurized ( by spring 7) and pressure adjustable hollow O-ring positioned between said inner portion (31) of said bearing and said outer portion (12) of said bearing, a pressurized and pressure

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adjustable piston positioned between said inner portion of said bearing and said outer portion of said bearing, a pressurized and pressure adjustable bellows positioned between said inner portion of said bearing and said outer portion of said bearing, and a circular array of equidistance spaced springs positioned between said inner portion of said bearing and said outer portion of said bearing.

**As to claims 23, 28,** Kusanko Takashi et al disclose the apparatus of claims 21, 26 further including an inner probe card (31a) and an outer probe card (12a), said inner probe card (31a) intervening between said probe array (5c) and a top surface of said inner portion (31) of said bearing (39), said outer probe card (12a) mounted to a top surface of said outer portion of said bearing.

**As to claims 24, 29,** Kusanko Takashi et al disclose the apparatus of claims 23, 28 further including a flexible circuit (5) electrically connecting said inner probe card (31) to said outer probe card (12).

**As to claims 25, 30,** Kusanko Takashi et al disclose the apparatus of claim 21, wherein said probe array (5c) is a rigid probe array or a compliant probe array.

***Allowable Subject Matter***

3. Claims 1 – 20 are allowed.

The prior arts of record are fail to disclose the combination of an apparatus and a method of a probe array mounted on an inner portion of a gimbaled bearing, said inner portion of said **gimbaled bearing having a spherical surface defined by a surface of a first sphere between two parallel small circles of said first sphere, a radius of said first sphere centered on a point on a top surface of said probe array, and an outer portion of said gimbaled bearing, said outer portion of said gimbaled bearing having a spherical surface defined by the surface of a second sphere between two parallel small circles of said second sphere, a radius of said second sphere centered on said point on said top surface of said probe array.**

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen whose telephone number is 571-272-1965. The examiner can normally be reached on M - F from 9 to 5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramtez Nestor, can be reached on 571 – 272- 2034. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jimmy Nguyen

10/11/05

  
**VINH NGUYEN**  
**PRIMARY EXAMINER**  
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10/13/05